# HOUSE BILL No. 1323

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 3-9-7-4; IC 24-4.7.

**Synopsis:** Political calls to a number on the do not call list. Provides that a candidate, a political committee, or another person acting on behalf of a candidate or a committee may not make a telephone call to a telephone number on the "do not call" list to communicate a message relating to an election. Provides that a political committee or a person acting on behalf of a political committee may not make a telephone call to a telephone number on the "do not call" list to communicate a message in support of or in opposition to a public question. Provides that a telephone solicitation for a political contribution may not be made to a telephone number on the "do not call" list.

**Effective:** July 1, 2005.

## Pflum

January 13, 2005, read first time and referred to Committee on Elections and Apportionment.

2005                         IN 1323—LS 7319/DI 75+

**C o p y**

First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type.~~
  Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.
  Conflict reconciliation: Text in a statute in *this style type* or ~~*this style type*~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

# HOUSE BILL No. 1323

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A BILL FOR AN ACT to amend the Indiana Code concerning elections.

*Be it enacted by the General Assembly of the State of Indiana:*

1     SECTION 1. IC 3-9-7-4 IS ADDED TO THE INDIANA CODE AS
2 A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1,
3 2005]: **Sec. 4. (a) A candidate, a committee, or a person acting on**
4 **behalf of a candidate or a committee may not make a telephone**
5 **call:**
6     **(1) to a telephone number on the list published under**
7     **IC 24-4.7-3; and**
8     **(2) to communicate a message relating to an election.**
9   **(b) A committee or a person acting on behalf of a committee**
10 **may not make a telephone call:**
11     **(1) to a telephone number on the list published under**
12     **IC 24-4.7-3; and**
13     **(2) to communicate a message in support of or in opposition**
14     **to a public question.**
15   **(c) A person who violates this section is subject to an action for**
16 **a civil penalty under IC 24-4.7-5.**
17     SECTION 2. IC 24-4.7-2-2 IS AMENDED TO READ AS

1    FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. "Consumer" means
2    a residential telephone subscriber who is an actual or a prospective:
3       (1) purchaser, lessee, or recipient of consumer goods or services;
4       or
5       (2) donor:
6         **(A)** to a charitable organization; **or**
7         **(B) of a political contribution.**
8     SECTION 3. IC 24-4.7-2-9 IS AMENDED TO READ AS
9    FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 9. "Telephone sales
10   call" means a telephone call made to a consumer for any of the
11   following purposes:
12      (1) Solicitation of a sale of consumer goods or services.
13      (2) Solicitation of a charitable **or political** contribution.
14      (3) Obtaining information that will or may be used for the direct
15        solicitation of a sale of consumer goods or services or an
16        extension of credit for such purposes.
17   The term includes a call made by use of automated dialing or recorded
18   message devices.
19     SECTION 4. IC 24-4.7-5-1 IS AMENDED TO READ AS
20   FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. **(a)** A telephone
21   solicitor who fails to comply with any provision of IC 24-4.7-4
22   commits a deceptive act that is actionable by the attorney general under
23   this chapter.
24     **(b) A person who violates IC 3-9-7-4 is subject to a civil penalty**
25   **imposed in an action filed under this chapter.**

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